

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Joseph P. Meara on 01/12/12.

The application has been amended as follows:

--Claims **16-18** have been cancelled.

--In claim **11**, line 2, the term "active" has been deleted and replaced with the term --acceptable--.

--In claims **24 and 25**, lines 2-3, the term "less than" has been deleted and the term --or less than 7 micrometers-- has been added after the term "micrometers". The claims read "...an average particle size of about 7 micrometer or less than 7 micrometer".

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance:

The claims are allowed because the closes prior art of record does not teach or suggest a process for micronization of an active agent by suspending the active agent

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in a gaseous propellant or in a compressed gas. DeStefano et al teach homogenization and micronization of active agents by suspending the particles of active compound in a liquid. Other prior art references do not teach or suggest suspending active particles in a gas for micronization process.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINA HAGHIGHATIAN whose telephone number is (571)272-0615. The examiner can normally be reached on core office hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter can be reached on 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mina Haghighatian/

Mina Haghighatian  
Primary Examiner  
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